

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANGEL FRALEY, et al.,)	Case No.: 11-CV-01726-LHK
)	
Plaintiffs,)	
)	ORDER RE: HEARING ON MOTION
v.)	FOR CLASS CERTIFICATION
)	
FACEBOOK, INC., a corporation; and DOES 1-)	
100,)	
)	
Defendants.)	
)	

On May 21, 2012, the parties in the above-captioned action represented that they had reached a settlement agreement in principle, although such agreement was conditioned on settlement with plaintiffs in the related case, *C.M.D. v. Facebook, Inc.*, Case No. 5:12-cv-01216-LHK (“*C.M.D.*”). *See* ECF No. 163. Based on that representation, and at the parties’ request, the Court continued the hearing on Plaintiffs’ motion for class certification from May 24, 2012, to May 31, 2012, at 1:30 p.m. *See id.* The Court agreed that if the parties in this action filed a notice of execution of term sheet with the plaintiffs in *C.M.D.* by May 25, 2012, the Court would further continue the hearing on Plaintiffs’ motion for class certification from May 31, 2012, to July 12, 2012. *Id.*

On May 23, 2012, the parties reported that “settlement dialogue has been active and underway over the past 48 hours with counsel in [*C.M.D.*],” but that “there is nothing definitive to

1 report to the Court other than to note that the dialogue is ongoing” ECF No. 167. On May 24,
2 2012, the parties filed another status report, reporting that “they have continued to engage in
3 settlement discussions with counsel in [*C.M.D.*],” and that counsel for Plaintiffs in this action,
4 counsel for Plaintiffs in *C.M.D.*, and counsel for Facebook have agreed to convene a two-day, in-
5 person settlement meeting on June 4 and 5, 2012, in San Francisco. ECF No. 169 at 2.

6 The Court put the parties on notice that the May 31, 2012 hearing on Plaintiffs’ motion for
7 class certification would not be continued unless and until the parties file a notice of execution of
8 term sheet with the plaintiffs in *C.M.D.* The parties have not done so. Accordingly, the hearing on
9 the motion for class certification remains as set for May 31, 2012, at 1:30 p.m.

10 **IT IS SO ORDERED.**

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12 Dated: May 25, 2012

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LUCY H. KOH
United States District Judge